



W.P.(MD) No.8992 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.8992 of 2023

P.Sathish Kumar

... Petitioner

/vs./

1.The District Collector,
Office of the Collectorate,
Tenkasi 627 811.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Tenkasi 627 811.

3.The Inspector of Police,
Shenkottai Police Station,
Kollam - Tenkasi Road,
Shenkottai 627 813.

4.The Commissioner of Prohibition and Excise,
Commissionerate of Prohibition and Excise Department,
Kannappar Thidal,
Periyamet, Chennai 600 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 4th respondent to De-Seal the



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petitioner's premises situated at 1/980, Kollam Road, Piranoor Village, Shengottai Taluk, Tenkasi - 627 809 pursuant to the Representation dated 16.02.2023.

For Petitioner : Mr.Arfat Mohammed

For Respondents : Mr.A.Sivanupandian
Government Advocate

ORDER

The above writ petition has been filed for the issue of a Writ of Mandamus directing the fourth respondent to de-seal the petitioner's premises situate at 1/980, Kollam Road, Piranoor Village, Shengottai Taluk, Tenkasi, pursuant to the representation dated 16.02.2023.

2.The facts in brief set out in the affidavit filed in support of the petition are that the petitioner is a registered society having its registered office at Shengottai Taluk, Tenkasi District. The petitioner would submit that pursuant to the general body meeting, on 14.10.2020 he was appointed as Secretary of the society. The Registrar of societies was also put on notice about the constitution of the new committee and Form-7 of the same date was submitted to him.



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3.The petitioner would submit that in the course of running of the club, issues arose between the members regarding the conduct of the President. One Saravana Krishnan had forged a Form-7 certificate with the connivance of one S.M.Marudhapa Pandian, the President of the said society and based on this forged document, they had barged into the registered office of the society and created problem.

4.The police was informed and they had registered a case and had taken the complaint on file on 11.01.2021. Thereafter, the Inspector of Police had conducted an enquiry on 27.01.2021. The police had also informed the District Registrar of Societies that the compliant was lodged against the President and informed the Registrar not to receive or act upon any documents at the instance of the President. The President had produced the Form-7, which on a mere perusal would seem to be a forged one. The said act was immediately brought to the knowledge of the Inspector General of Registration.

5.Meanwhile, the petitioner has also filed a suit O.S.No.56 of 2022 for declaration that the forged Form-7 dated 11.01.2021 filed by the defendants 1 and



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2 and accepted and taken on file by the defendants 3 and 4 as null and void, to grant the permanent injunction restraining the second defendant and newly elected members pursuant to the forged Form-7 from any manner dealing with the affairs of the first defendant and to cancel the forged Form-7. In the said suit, the club has been made as first defendant and one Saravana Krishnan is the second defendant. Defendants 3 and 4 are the Registrar of Societies, Tenkasi and the District Registrar (Administration), Office of the Registrar of Societies, Tenkasi respectively.

6.He would also submit that the petitioner had obtained an order of interim injunction before the trial Court. While litigation was going on between the members of the first respondent society, on 04.01.2022 the Inspector of Police Shengottai Taluk Police Station along with the officials of the Commissionerate of Prohibition and Excise had visited the premises and seized the liquor stored in the premises. The police thereafter sealed the premises and an FIR was also registered. The petitioner would submit that the club had valid FL-2 license and the act of sealing the premises was an outreach by the respondent police. Therefore, he has come forward with the present writ petition.



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7.Mr.A.Sivanupandian, learned Government Advocate for the respondents would submit that it is well open to the petitioner to make an application before the fourth respondent for de-sealing the premises. He would further submit that a perusal of the FL-2 license produced by the petitioner in the additional typed set of papers would show that the license had come to an end on 31.03.2022 and the same has not been extended.

8.The learned counsel for the petitioner would submit that an application has already been made for extending the same. But no order has been received to date.

9.Be that as it may, the petitioner has been running the bar in the club after the expiry of the lease period. The petitioner instead of approaching the fourth respondent has rushed to this Court. In these circumstances, the Writ Petition is disposed of with a direction to the petitioner to move a representation before the fourth respondent, who shall thereafter consider the same and pass orders on



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merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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P.T.ASHA, J.

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